

**RESOLUTION NO. 74881**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SETTING THE TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF A RULE 20A UNDERGROUND UTILITY DISTRICT ALONG COLEMAN AVENUE BETWEEN WEST HEDDING STREET AND SPRING STREET, NORTH MARKET STREET BETWEEN WEST JULIAN STREET AND WEST ST. JAMES STREET, AND DEVINE STREET BETWEEN NORTH SAN PEDRO STREET AND NORTH FIRST STREET ON JUNE 2, 2009 AT 1:30 P.M.**

**WHEREAS**, Chapter 15.24 of the San Jose Municipal Code sets forth the procedure for establishing an underground utility district; and

**WHEREAS**, the City Council may, from time to time, consult with affected utilities and call public hearings to ascertain whether an underground utility district should be established in a certain area of the City; and

**WHEREAS**, the City Council proposes that such an underground utility district, to be designated "COLEMAN AVENUE UNDERGROUND UTILITY DISTRICT", hereinafter referred to as the Proposed District, be formed within that area of the City described and shown on EXHIBIT A-1 and EXHIBIT A-2 attached hereto, made a part hereof, and incorporated herein by reference; and

**WHEREAS**, an underground utility district may be formed if, after a public hearing, the City Council finds and determines that the public necessity, health, safety, or welfare require and it is in the general public interest for one or more of the following reasons that existing poles and overhead wires within a designated area of the City be removed therefrom and be thereafter prohibited and that wires and associated facilities for transmitting, conducting, conveying, distributing or supplying electricity for the purpose of providing light, heat, power, telephone, telegraph, communication, television or other similar or associated service be installed underground namely:

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Such removal of existing poles and overhead wires and placement underground will eliminate an unusually heavy concentration of poles and overhead wires within the Proposed District;

The public streets or rights-of-way within the Proposed District are extensively used by the general public and carry a heavy volume of pedestrian or vehicular traffic; and

The public streets or rights-of-way within the Proposed District adjoin or pass through a civic area or public recreation area or an area of unusual scenic interest to the general public; and

**WHEREAS**, the City Council shall, by ordinance, declare such designated area an underground utility district and order and require such removal, prohibition and underground installation therein; and

**NOW, THEREFORE**, BE IT RESOLVED by the Council of the City of San Jose:

NOTICE IS HEREBY GIVEN that a PUBLIC HEARING will be held by the Council of the City of San Jose on JUNE 2, 2009, at 1:30 p.m. in the Council Chambers of the City of San Jose, City Hall, 200 E. Santa Clara Street, at the corner of Fourth and Santa Clara Streets, San Jose, California to ascertain whether the public necessity, health, safety, or welfare require and it is in the general public interest for one or more of the reasons set in San Jose Municipal Code Section 15.24.060 that existing poles and overhead wires within the Proposed District be removed therefrom and be thereafter prohibited, and that wires and associated facilities for transmitting, conducting, conveying, distributing or supplying electricity for the purpose of providing light, heat, power, telephone, telegraph, communication, television or other similar or associated service be installed underground.

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The Director of Public Works shall give written notice of the time and place of such hearing at least ten (10) days prior to the date of such hearing to all persons who own any property within the Proposed District as shown on the last equalized assessment roll and to all utilities who own, control, or possess poles or overhead wires within the Proposed District. Each such notice shall be given by the Director of Public Works by depositing the same in the United States mail, postage prepaid, in an envelope addressed to the owner at the address as shown on the last equalized assessment roll, or if no address is shown, addressed to the owner at the address of the property.

ADOPTED this 21st day of April, 2009, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA,  
LICCARDO, NGUYEN, OLIVERIO, PYLE, REED.

NOES: NONE.

ABSENT: CHIRCO.

DISQUALIFIED: NONE.

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk

MAO::SK:RV

Attachments:

Exhibit A-1, Map

Exhibit A-2, Legal Description

COLEMAN AVENUE UUD Resolution

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**Exhibit A-1**

**EXHIBIT A-2**

**DESCRIPTION OF PROPOSED BOUNDARY OF AN UNDERGROUND UTILITY DISTRICT ALONG COLEMAN AVENUE BETWEEN WEST HEDDING STREET AND SPRING STREET, NORTH MARKET STREET BETWEEN WEST JULIAN STREET AND WEST ST. JAMES STREET, AND DEVINE STREET BETWEEN NORTH SAN PEDRO STREET AND NORTH FIRST STREET.**

All that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described as follows:

BEGINNING at a true point at the intersection of the northerly right-of-way line of Coleman Avenue and the westerly right of way line of Spring Street;

THENCE proceeding in a northwesterly direction 670'+/- along the northerly right-of-way line of Coleman Avenue to a point of intersection with the easterly right-of-way line of Hobson Street;

THENCE proceeding in a northwesterly direction 670'+/- along the northerly right-of-way line of Coleman Avenue to a point of intersection with the easterly right-of-way line of Hobson Street;

THENCE proceeding in a northwesterly direction 80'+/- along the northerly right-of-way line of Coleman Avenue to a point of intersection with the westerly right-of-way line of Hobson Street;

THENCE proceeding in a northwesterly direction 424'+/- along the northerly right-of-way line of Coleman Avenue to a point of intersection with the easterly right-of-way line of Seymour Street;

THENCE proceeding in a northwesterly direction 60'+/- along the northerly right-of-way line of Coleman Avenue to a point of intersection with the westerly right-of-way line of Seymour Street;

THENCE proceeding in a northwesterly direction 437'+/- along the northerly right-of-way line of Coleman Avenue to a point of intersection with the southerly right-of-way line of East Taylor Street;

THENCE proceeding in a northwesterly direction 98'+/- along the northerly right-of-way line of Coleman Avenue to a point of intersection with the northerly right-of-way line of East Taylor Street;

THENCE proceeding in a northwesterly direction 361'+/- along the northerly right-of-way line of Coleman Avenue to a point of intersection with the southerly right-of-way line of Asbury Street;

THENCE proceeding in a northeasterly direction 115'+/- along the southerly right-of-way line of Asbury Street;

THENCE proceeding in a northwesterly direction 70'+/- perpendicular to the centerline of Asbury Street to a point of intersection with the northerly right-of-way line of Asbury Street;

THENCE proceeding in a southwesterly direction 120'+/- along the northerly right-of-way line of Asbury Street to a point of intersection with the northerly right-of-way line of Coleman Avenue;

THENCE proceeding in a northwesterly direction 410'+/- along the northerly right-of-way line of Coleman Avenue to a point of intersection with the southerly right-of-way line of Emory Street;

THENCE proceeding in a northeasterly direction 120'+/- along the southerly right-of-way line of Emory Street;

THENCE proceeding in a northwesterly direction 70'+/- perpendicular to the centerline of Emory Street to a point of intersection with the northerly right-of-way line of Emory Street;

THENCE proceeding in a southwesterly direction 120'+/- along the northerly right-of-way line of Emory Street to a point of intersection with the northerly right-of-way line of Coleman Avenue;

THENCE proceeding in a northwesterly direction 415'+/- along the northerly right-of-way line of Coleman Avenue to a point of intersection with the southerly right-of-way line of University Avenue;

THENCE proceeding in a northeasterly direction 94'+/- along the southerly right-of-way line of University Avenue;

THENCE proceeding in a northwesterly direction 70'+/- perpendicular to the centerline of University Avenue to a point of intersection with the northerly right-of-way line of University Avenue;

THENCE proceeding in a southwesterly direction 94'+/- along the northerly right-of-way line of University Avenue to a point of intersection with the northerly right-of-way line of Coleman Avenue;

THENCE proceeding in a northwesterly direction 269'+/- along the northerly right-of-way line of Coleman Avenue;

THENCE proceeding in a northeasterly direction 14'+/- along the northerly right-of-way line of Coleman Avenue;

THENCE proceeding in a northwesterly direction 93'+/- along the northerly right-of-way line of Coleman Avenue;

THENCE proceeding in a southwesterly direction 95'+/- perpendicular to the centerline of Coleman Avenue to a point of intersection with the southerly right-of-way line of Coleman Avenue;

THENCE proceeding in a southeasterly direction 96'+/- along the southerly right-of-way line of Coleman Avenue;

THENCE proceeding in a northeasterly direction 10'+/- along the southerly right-of-way line of Coleman Avenue;

THENCE proceeding in a southeasterly direction 270'+/- along the southerly right-of-way line of Coleman Avenue to a point of intersection with the northerly right-of-way line of University Avenue;

THENCE proceeding in a southeasterly direction 70'+/- along the southerly right-of-way line of Coleman Avenue to a point of intersection with the southerly right-of-way line of University Avenue;

THENCE proceeding in a southeasterly direction 414'+/- along the southerly right-of-way line of Coleman Avenue to a point of intersection with the northerly right-of-way line of Emory Street;

THENCE proceeding in a southeasterly direction 70'+/- along the southerly right-of-way line of Coleman Avenue to a point of intersection with the southerly right-of-way line of Emory Street;

THENCE proceeding in a southeasterly direction 410'+/- along the southerly right-of-way line of Coleman Avenue to a point of intersection with the northerly right-of-way line of Asbury Street;

THENCE proceeding in a southeasterly direction 70'+/- along the southerly right-of-way line of Coleman Avenue to a point of intersection with the southerly right-of-way line of Asbury Street;

THENCE proceeding in a southeasterly direction 360'+/- along the southerly right-of-way line of Coleman Avenue to a point of intersection with the northerly right-of-way line of East Taylor Street;

THENCE proceeding in a southeasterly direction 100'+/- along the southerly right-of-way line of Coleman Avenue to a point of intersection with the southerly right-of-way line of East Taylor Street;

THENCE proceeding in a southeasterly direction 1,770'+/- along the southerly right-of-way line of Coleman Avenue;

THENCE proceeding in a northeasterly direction 100'+/- perpendicular to the centerline of Coleman Avenue to the true point of beginning.

#### NORTH MARKET STREET

BEGINNING at a true point at the intersection of the southerly right-of-way line of East Julian Street and the westerly right of way line of North Market Street;

THENCE proceeding in a southeasterly direction 237'+/- along the westerly right-of-way line of North Market Street to a point of intersection with the northerly right-of-way line of Devine Street;

THENCE proceeding in a southwesterly direction 194'+/- along the northerly right-of-way line of Devine Street;

THENCE proceeding in a southeasterly direction 60'+/- perpendicular to the centerline of Devine Street to a point of intersection with the southerly right-of-way line of Devine Street;

THENCE proceeding in a northeasterly direction 194'+/- along the southerly right-of-way line of Devine Street to a point of intersection with the westerly right-of-way line of North Market Street;

THENCE proceeding in a southeasterly direction 245'+/- along the westerly right-of-way line of North Market Street to a point of intersection with the northerly right-of-way line of St. James Street;

THENCE proceeding in a northeasterly direction 100'+/- perpendicular to the centerline of North Market Street to a point of intersection with the easterly right-of-way line of North Market Street;

THENCE proceeding in a northwesterly direction 245'+/- along the easterly right-of-way line of North Market Street to a point of intersection with the southerly right-of-way line of Devine Street;

THENCE proceeding in a northeasterly direction 411'+/- along the northerly right-of-way line of Devine Street;



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THENCE proceeding in a northwesterly direction 60' +/- perpendicular to the centerline of Devine Street to a point of intersection with the northerly right-of-way line of Devine Street;

THENCE proceeding in a southwesterly direction 411' +/- along the northerly right-of-way line of Devine Street to a point of intersection with the easterly right-of-way line of North Market Street;

THENCE proceeding in a northwesterly direction 242' +/- along the easterly right-of-way line of North Market Street to the true point of beginning.